

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Frank LUYTEN et al.	Confirmation No.:	1230
Serial No.:	10/089,932	Art Unit:	1657
Filed:	July 29, 2002	Examiner:	A. P. Wood
Patent No.:	7,479,367	Customer No.:	21559
Issued:	January 20, 2009		
Title:	IN VIVO ASSAY AND MOLECULAR MARKERS FOR TESTING THE PHENOTYPIC STABILITY OF CELL POPULATIONS AND SELECTED CELL POPULATIONS FOR AUTOLOGOUS TRANSPLANTATION		

Commissioner for Patents
Attention: Certificate of Correction Branch
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR CERTIFICATE OF CORRECTION UNDER 37 C.F.R. § 1.322

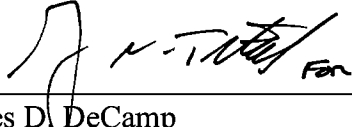
Applicants hereby request that a Certificate of Correction be issued in the patent identified above. The errors to be corrected are described in detail on the enclosed PTO Form 1050. Support for the requested correction is found in the Examiner's Amendment included with the Notice of Allowability mailed on August 22, 2008. In particular, at page 4 of the Examiner's Amendment, claim 33 (now re-numbered as claim 3), in parts (b) and (c), is amended to recite the term "negative marker" instead of "negative markers." A copy of page 4 of the Examiner's Amendment is enclosed as Exhibit 1.

No fee is believed to be due, as the errors to be corrected were made by the PTO. If there are any charges or any credits, please apply them to Deposit Account No. 03-2095.

Respectfully submitted,

Date: 19 February 2009

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Exhibit 1

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Art Unit: 1657

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2) identifying said cells expressing said BMP-2 and not expressing said ALK-1 marker, as a cell population having chondrocyte phenotypic stability.

33. (currently amended) The method to identify chondrocyte cells having chondrocyte phenotypic stability according to claim 31, comprising:

a) hybridising to messenger RNA from chondrocyte cells, sets of DNA probes provided on DNA arrays or DNA chips, said DNA probes being probes of said positive markers for chondrocyte phenotypic stability BMP-2 and/or said FGFR-3; and

————→ b) hybridising to messenger RNA from chondrocyte cells, sets of DNA probes provided on DNA arrays or DNA chips, said DNA probes being probes of said negative markers for chondrocyte phenotypic stability ALK-1; and

————→ c) identifying those cells which hybridise with said probes of said positive markers and do not hybridise with said probes for said negative markers for chondrocyte phenotypic stability.

34. (currently amended) The method to identify phenotypically stable chondrocytes according to claim 35 34, said method comprising detecting said positive marker in cells from a cartilage biopsy, after at least one passage.

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. 7,479,367
DATED January 20, 2009
INVENTORS Frank Luyten, Cosimo De Bari, Francesco Dell'Accio

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

At column 25, lines 14-15 and 19, in claim 3, replace the term "negative markers" with --negative marker--.

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